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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91208575
Party	Defendant BASE SPY CRAFT, LLC
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Submission	Answer
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Date	12/27/2013
Attachments	Answer to Opposition No. 91208575 - SPY THE SECRET WORLD OF ESPIONAGE (executed).pdf(217783 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Spy Optic Inc.,)	
)	
)	
Opposer,)	
)	Opposition No. 91208575
v.)	
)	Serial No. 85/580,079
Base Spy Craft, LLC,)	
)	
Applicant.)	
)	

ANSWER TO NOTICE OF OPPOSITION

Pursuant to Federal Rule of Civil Procedure 8(b) and 37 C.F.R. § 2.106, Applicant Base Spy Craft, LLC (“Applicant”), by counsel, hereby answers the Notice of Opposition filed by Opposer Spy Optic Inc. (“Opposer”) against Applicant’s United States Application Serial No. 85/580,079 (the “Application”) for the mark SPY THE SECRET WORLD OF ESPIONAGE (with design) (the “Mark”) as follows. The paragraph numbers below correspond to those in the Notice of Opposition. Applicant reserves the right to amend or supplement this Answer as appropriate.

Applicant avers that no response to the paragraph of the Notice of Opposition that precedes the numbered paragraphs is expected or required. To the extent a response is expected or required, Applicant responds that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations of such paragraph, and on that basis denies them.

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1, and on that basis denies them

2. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2, and on that basis denies them.

3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 3, and on that basis denies them.

4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4, and on that basis denies them.

5. Applicant admits that what purports to be a copy of United States Trademark Reg. No. 1,981,513, registered June 18, 1996, is attached to the Notice of Opposition as Exhibit A. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 5, and on that basis denies them.

6. Applicant admits that what purports to be a copy of United States Trademark Reg. No. 1,989,431, registered July 30, 1996, is attached to the Notice of Opposition as Exhibit B. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 6, and on that basis denies them.

7. Applicant admits that what purports to be a copy of United States Trademark Reg. No. 3,700,605, registered October 27, 2009, is attached to the Notice of Opposition as Exhibit C. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 7, and on that basis denies them.

8. Applicant admits that what purports to be a copy of United States Trademark Reg. No. 3,750,166, registered February 16, 2010, is attached to the Notice of Opposition as Exhibit D. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 8, and on that basis denies them.

9. Applicant admits that what purports to be a copy of United States Trademark Reg. No. 3,218,701, registered March 13, 2007, is attached to the Notice of Opposition as Exhibit E. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 9, and on that basis denies them.

10. Applicant admits that what purports to be a copy of United States Trademark Reg. No. 3,648,121, registered June 30, 2009, is attached to the Notice of Opposition as Exhibit F. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 10, and on that basis denies them.

11. Applicant admits that it filed an application for registration of the Mark in Classes 009, 018, 025, 028, 035, and 041 on March 26, 2012, and that said application was published for opposition in the Official Gazette of September 4, 2012 at TM 305. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 11, and on that basis denies them.

12. Applicant admits that Opposer filed a Request to Extend Time for filing the Notice of Opposition, and that what purports to be a copy of such Request to Extend Time is attached to the Notice of Opposition as Exhibit G. Applicant avers that the Request to Extend Time speaks for itself.

13. Applicant denies the allegations of Paragraph 13.

14. Applicant denies the allegations of Paragraph 14.

Applicant avers that no response to the prayer for judgment in the Notice of Opposition is expected or required. To the extent a response is expected or required, Applicant denies the prayer for judgment.

AFFIRMATIVE DEFENSES

1. No likelihood of confusion, mistake or deception exists between the Mark and Opposer's marks SPY, EYESPY, and SPYOPTIC ("the Spy Marks").

2. No likelihood of confusion, mistake or deception will exist between the Mark and the Spy Marks as a result of Applicant's registration of the Mark.

3. Applicant will rely on any and all properly provable affirmative defenses developed from discovery and further investigation. Applicant reserves the right to amend this pleading to conform thereto.

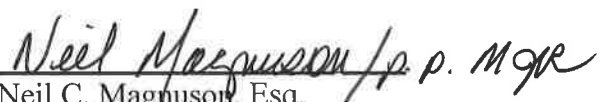
By stating the above affirmative defenses, Applicant does not assume any burden of proof beyond what is required by the federal trademark laws, 15 U.S.C. § 1051 et seq.

WHEREFORE, Applicant requests that the Notice of Opposition and the relief sought therein be denied, that judgment be entered in favor of Applicant, and that Applicant be granted all other relief to which it is justly entitled.

Base Spy Craft, LLC, Applicant

Date: December 27, 2013

By:


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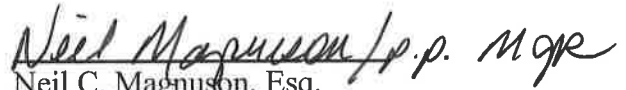
Counsel for Applicant

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of December, 2013, the foregoing ANSWER TO NOTICE OF OPPOSITION was delivered by electronic mail and certified mail, postage prepaid, to the following:

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